

DLD-162

March 15, 2007

**UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT**

No. **06-3907**

JAMES A. WILSON

v.

RICHARD KEARNEY, ET AL.

(D. DEL. CIV. NO. 04-CV-01363)

Present: BARRY, AMBRO and FISHER, Circuit Judges

Submitted is appellant's application for a certificate of appealability under  
28 U.S.C. § 2253(c)(1)

in the above-captioned case.

Respectfully,

Clerk

MMW/LLB/clw

**ORDER**

The foregoing request for a certificate of appealability is denied. Appellant has failed to make a substantial showing of the denial of a constitutional right. 28 U.S.C. § 2253(c)(2); Miller-el v. Cockrell, 537 U.S. 322, 327 (2003). The habeas petition lacks merit for the reasons given by the District Court.

By the Court,

/s/ Thomas L. Ambro  
Circuit Judge

Dated: April 17, 2007

CMD/cc: James A. Wilson

Gregory E. Smith, Esq.



*Marcia M. Waldron*

Marcia M. Waldron, Clerk